

***PLANNING COMMISSION WORKSHOP MEETING NOTES***

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*May 23, 2011*

The Planning Commission Workshop on the Issues Report convened at approximately 7:00 p.m. on Monday, May 23, 2011. Recommendations pertaining to the proposed institutional chapter of the Land Use Element were the focus of the workshop. Present were Commission Members Alan Ritterband, Brian O’Leary, Tony Vale, and Laura Shell. Also present from the Board of Commissioners were Commissioner Brian A. Gordon, Esq. (Ward 12) and Cheryl B. Gelber, Esq. (Ward 5). Township staff present included Bob Duncan, Director of Building and Planning, Chris Leswing, Assistant Director of Building and Planning, Colleen Hall, Planner/GIS Technician and Carissa Koll-Hazelton, Planning Technician.

Civic Associations were also invited to attend. Representatives from each of the following civic associations were in attendance: Gladwyne, Haverford, Bryn Mawr, Merion, Wynnewood, and the Neighborhood Club of Bala Cynwyd.

**Planning Commission Public Workshop**

Mr. Ritterband opened the meeting and welcomed everyone to the Planning Commission workshop on the Issues Report. Mr. Ritterband stated that this evening the Planning Commission will try to adhere to the schedule on the agenda and the workshop will start off with a presentation from Chris Leswing.

Mr. Leswing stated that he will begin with brief staff overview and go into three topic areas, including institutional overlays, the special exception process and transfer of development rights. Mr. Leswing stated that he will leave time at the end of the workshop to go back to discuss the general elements. Mr. Leswing stated that public input is requested, but if anyone is not comfortable asking a question in a public forum cards have been provided that can be filled out. Mr. Leswing stated that the comments from the cards may be included in the meeting notes.

Mr. Leswing stated that tonight institutional land uses will be discussed. Mr. Leswing stated that as the Issues Report was developed one of the issues most commonly identified by stakeholders and residents during stakeholder interviews and at the public workshops was institutional expansion. Mr. Leswing stated that tonight the purpose of the meeting is for the Planning Commission to get feedback from the public regarding solutions to address the negative externalities associated with institutional expansions. Mr. Leswing stated that staff is also looking to prioritize the order of completion of the Comprehensive Plan Elements. Mr. Leswing stated that by way of background institutions comprises 13% of the Township’s land area. Mr. Leswing stated that institutions are permitted as a special exception use in all residential zoning districts because it has been determined that they are recognized as an inherently beneficial use. Mr. Leswing stated that they contain a lot of open space and numerous cultural resources and are also some of the major employers in the Township. Mr. Leswing stated that there is diversity in size of institutions from the neighborhood church to the property over 100 acres. Mr. Leswing

stated that the heart of this discussion is getting to the issues associated with institutions. Mr. Leswing stated that parking is a big issue, because when there is not enough parking on-site it can lead to people parking on the neighborhood streets. Mr. Leswing stated that institutions also bring traffic to the residential neighborhoods. Mr. Leswing stated that expansion also creates issues with stormwater. Mr. Leswing stated that another issue that was identified in the Issues Report was the ancillary uses, such as daycare and athletic facilities that are rented to people off-site. Mr. Leswing stated that institutional expansions often come with the loss of historic, open space and environmental resources.

Mr. Leswing stated that the institutions can be generally divided into three categories. Mr. Leswing stated that some institutions are experiencing infill and there are others that are being redeveloped. Mr. Leswing stated that redevelopment is when an institution changes use, such as the former Palmer Seminary that is proposed to become an apartment house. Mr. Leswing stated that these changes can impact the Township and the neighborhood in which they are located. Mr. Leswing stated that there are also institutions that are temporarily protected that could go at any time and significantly impact the character of the Township.

Mr. Leswing stated that there are three main strategies that will be discussed tonight and the first thing that will be looked at is an institutional overlay. Mr. Leswing stated that there are benefits and drawbacks to creating an institutional overlay district. Mr. Leswing stated that the second strategy is to evaluate the Special Exception process and the third strategy that will be talked about is Transfer of Development Rights. Mr. Leswing stated that staff is not looking at applying a traditional TDR where development rights would be sent from Gladwyne to Ardmore; instead they are looking to apply this on a neighborhood basis.

Mr. Leswing stated that going forward there has been a lot of concern about where an institution can end and the continued expansion of institutions has been met with great concern. Mr. Leswing stated that an overlay district could help to define the edge of the boundary. Mr. Leswing stated that since the 1979 Comprehensive Plan specific zoning districts have been created for Lankenau Hospital and Bryn Mawr Hospital. Mr. Leswing rhetorically asked if that same strategy would work for other institutional uses. Mr. Leswing stated that an overlay district could either apply to a particular type of use, such as higher education or it could apply to a specific geography, such as Bryn Mawr. Mr. Leswing stated that institutional overlay districts could also help to streamline the land development process. Mr. Leswing stated that many times the process is repeated between the special exception and land development process. Mr. Leswing stated that he would like to open up the floor for a discussion on this topic.

Walter Herman, a resident of Latches Lane stated that he heard what Mr. Leswing said, but he doesn't understand most of it. Dr. Herman asked Mr. Leswing to provide an example.

Mr. Leswing stated that the Merion Cricket Club is an example of an institution that has been able to purchase adjacent residential properties and turn those properties into a part of the

institution, which is something residents of Bryn Mawr are concerned about. Mr. Leswing stated that if there was an overlay district it could limit the ability of the institution to continue to absorb the surrounding residential neighborhood.

Mr. O'Leary stated that he would like to add that if there was an overlay it would require a Zoning Map change which is much more difficult than obtaining a special exception.

Mr. Ritterband asked what happens if an institution purchases a property outside of the zone.

Mr. Duncan responded that would depend on how the ordinance is set up. Mr. Duncan stated that it could be done so that a Zoning Map change would be required.

Mr. Ritterband asked what would happen if it were an office building.

Mr. Duncan responded that an office use in a commercial district is permitted; however, it would not be permitted in a residential zoning district.

Sister Mary Broderick, a representative of the Rosemont School of Holy Child stated that if the institutions become so boxed in, then the Township could lose some of those institutions that are so great.

Mr. Duncan stated that if the development potential on-site were increased to allow institutions to grow within their land area they could grow, but with this recommendation they may be limited to expand beyond their properties.

Sister Mary Broderick stated that perhaps if institutions were allowed to increase their impervious surface, then they may not have to move into the neighborhoods.

Mr. O'Leary stated that it seems like there needs to be a bit of give and take that would involve greater protections to the neighborhood and allows institutions to grow within their existing campus.

Barbara Silk, a resident of Highland Avenue stated that she loves having institutions in the neighborhood but the things that it brings along with the good are the traffic and the noise. Ms. Silk stated that the neighbors have lost their faith in the Township officials and are no longer certain that the Township is watching out for the best interest of the residents. Ms. Silk stated that she wants to accommodate institutions without having to worry about having sun up to sundown speakers in her backyard.

Mr. Leswing stated that one of the major recommendations of the Issues Report is to increase the buffers and the perimeter edges between institutions and residential neighborhoods. Mr. Leswing stated that this has been done successfully at Lanckenau where growth is allowed to occur on the interior of the site, while creating a substantial distance for buffers to deter the negative impacts of sound and light at night.

Steven Billings, a resident of Haverford, stated that he lives on Buck Lane across from the Haverford School. Mr. Billings stated that he thinks that the proposal for an overlay district may better address problems perceived and experienced by neighborhoods surrounding institutions. Mr. Billings stated that when the Haverford School put in turf fields they had to put stormwater management on their own property. Mr. Billings stated that in a sense he is hoping that an alternative to the existing circumstances and regulations would be created so that that the problems or issues created by institutional expansion would be handled more creatively by the institutions instead of having them encumbered or forced upon the neighbors. Mr. Billings stated that there is only so much that Township staff can do in regards to making institutions follow through with promises that they've made before the neighbors have to call and complain to have the promises enforced. Mr. Billings stated that if this alternative overlay district involved a more thoughtful process whereby the institutions and the Township take more responsibility for the problems, then that would beget the good.

Leigh Ann Smith, a resident of Bryn Mawr and President of Federation of Lower Merion Civic Associations stated that an institutional overlay is an interesting idea, but there is not a lot of substance in what Mr. Leswing is suggesting. Ms. Smith stated that one thing that has been talked about at these workshops is that the residents are all fond of their institutional neighbors, but things have gotten developed to a certain extent so that they're up against existing requirements where they're exceeding impervious surface and parking capabilities. Ms. Smith stated that the current Special Exception process is not working and an overlay district is an interesting strategy to address these problems. Ms. Smith stated that the compatibility at this point is stretched to a fore point and the neighborhoods feel that they are maxed out. Ms. Smith stated that a bigger buffer will not solve the problem. Ms. Smith stated that the Issues Report was very heavy on finding creative ways to allow for expansion and that is accomplished will require everyone's input.

Mr. Leswing stated that one of the assumptions of the Issues Report is that the capacity for institutions to expand already exists, so if that growth is already there and it will occur maybe we can shape it so that as it goes forward it meets the expectations of the community.

Ms. Smith stated that she would like to suggest that it would be helpful to have a serious ongoing discussion to address institutional expansions. Ms. Smith stated that the Issues Report states that the Township has to look for ways to allow for more intrusions into the residential neighborhoods. Ms. Smith stated that an example is that one of the suggestions is that the Township explore ways to allow for residence halls, but maybe the community is already maxed out.

Dr. Herman stated that he has seen asymmetric warfare taking place. Dr. Herman stated that he is a member of the Merion Community Coalition and the group has paid hundreds of thousands of dollars on legal fees fighting institutional expansions into the residential neighborhood. Dr. Herman stated that the Township has four to six colleges and each has the imperative to want to

grow. Dr. Herman stated that he has observed that colleges are becoming continually commoditized. Dr. Herman stated that he has seen asymmetric warfare because residents are at a disadvantage and always will be.

Mr. Duncan stated that Dr. Herman raised good points, but the alternative side of institutions expanding is that they may choose to leave. Mr. Duncan stated that there are two institutions near Dr. Herman's neighborhood that have looked to relocate.

Dr. Herman stated that Mr. Perelman talked to Governor Rendell back in 1995 before the adjudication process began and he does not accept the relocation of The Barnes as an example.

Mr. Duncan stated that Episcopal also left.

Teri Simon, a member of the Wynnewood Civic Association, asked how an institutional overlay district would be drawn if it were put into place. Ms. Simon asked if it would be a community process where the community would help.

Mr. Leswing stated that the purpose of the meeting tonight is to seek public input on this recommendation.

Ms. Simon stated that there is a perception in the Township that there is asymmetric warfare occurring due to what it takes for neighbors or civic associations to get their voices heard in terms of time and money. Ms. Simon stated that she wants to hear that this would be an open and transparent process where everyone has a voice. Ms. Simon stated her second question is whether or not the Zoning Code will be looked at when the Comprehensive Plan is done. Ms. Simon stated that the overlays are confusing because it gives people two bites at the apple because they could choose to develop to the underlying zoning or to the standards of the overlay.

Mr. Duncan stated that either an institutional overlay district could be created or a new institutional zoning district could be explored.

Mr. Leswing stated that the purpose of the meeting this evening is to determine whether or not the possible creation of an institutional overlay district is worth pursuing. Mr. Leswing asked workshop participants if they think that this is an idea that could work.

Ms. Simon stated that Main Line Reform Temple had an expansion five years ago and since that time there have been some serious operational issues, such as noise, traffic and parking questions. Ms. Simon asked if an overlay district could have prevented these problems. Ms. Simon stated that an example of one of the problems involves the installation of an exhaust system that was put in the kitchen and is now affecting the neighbors. Ms. Simon asked if an overlay district could have prevented that.

Mr. Duncan stated that an overlay district would deal with permitted uses. Mr. Duncan stated that by creating an overlay district the Township would lose those additional controls that the

Township may get through the Zoning Hearing Board process, because they are able to attach conditions to approvals.

Ms. Shell asked if institutions could be permitted by Conditional Use as opposed to Special Exception.

Mr. Duncan responded that the Township could do that, but he's not sure what would be accomplished other than the fact that the application would go to one board instead of two.

Marty Piltch, a resident of Merion, stated that he has listened to people at the meeting who in brief summation have said that residents are behind the eight-ball with the existing regulations. Mr. Piltch stated that the Issues Report is against the residents and he finds that inexcusable.

Mr. Leswing responded that he is disappointed that Mr. Piltch feels that way.

Mr. Piltch stated that it doesn't make it any less true.

Mr. Duncan stated that from what he has heard from the institutions they feel the exact same as the residents do. Mr. Duncan stated that they also feel that they're behind the eight-ball and find themselves in situations where they have issues that cost over \$500,000 in development and legal fees to resolve.

Mr. O'Leary stated that it seems that the scale of institutions needs to be addressed. Mr. O'Leary stated that an overlay district could be created in terms of size. Mr. O'Leary stated that he has never seen it before, but some type of trigger could be created to limit expansions. For example, once so many trips are generated perhaps the institutions couldn't expand anymore.

Mr. Leswing stated that the Township is on unchartered waters and staff is trying to come up with creative solutions that work for residents and institutions.

Ms. Smith asked if at some point the community can recognize that the institutions have reached capacity and can't expand any further.

Mr. Duncan stated that Ms. Smith is right; there is a point where the Township will say that if an institution has reached its limit and if wants to grow some more then they'll have to go somewhere else to do that.

Ms. Smith asked how the Township can do that.

Mr. O'Leary stated that this is where he is suggesting that a trigger be used to limit expansion.

Mr. Duncan stated that one of the things to do is to look at the Zoning Code amendments from 1998 and see how those work. Mr. Duncan stated that there were queuing requirements because it was recognized that there were a lot of drop-offs. Mr. Duncan stated that now may be a time to look at those provisions and see what works and what doesn't work.

Diane Force, a representative of the Bala House Montessori School and a Gladwyne Resident stated that as a resident she is impacted by institutions and she can also speak for institutions. Ms. Force stated that her institution faces constant pressure from parents wanting quality preschool and extended care for daycare, but there is a need and demand in the community for these services. Ms. Force stated that when the community looks at this as residents everyone needs to think about what it actually means if an institution leaves and how it would impact the young families moving into the community. Ms. Force stated that she applauds the Township for taking this step. Ms. Force stated that she believes that a committee should be formed to deal with the development of new regulations. Ms. Force stated that a community can't survive without institutions. Ms. Force stated that whatever is decided for larger institutions may also impact those smaller institutions that provide services to parents and residents.

Karla Moras, a resident of Merion, stated that she doesn't understand how institutions leaving pose a risk to the community. Ms. Moras stated that these institutions expanding in this unbridled way is transforming historically residential neighborhoods into portions of the institution. Ms. Moras stated that St. Josephs University was granted a variance for 600 parking spaces which has huge implications for the nearby residential streets. Ms. Moras stated that the expansion of student bodies is a huge problem and it creates off-campus student housing in residential neighborhoods. Ms. Moras stated that St. Josephs University currently doesn't guarantee student housing for upper classmen and 80% of them have to live off-campus, but they also have not been required to provide parking to handle the implications of their own expansion.

Mr. Duncan stated that there are current regulations for off-campus student homes and there hasn't been one approved in the past 20 years since that ordinance was put in place, so if students are living off-campus in the Township then they are doing so illegally.

Ms. Moras stated that in Haverford there is a realtor's sign for St. Josephs University housing. Ms. Moras stated that there is a compatibility issue between the lifestyle of residents and that of college students.

Richard Wesley, a resident of Bryn Mawr, stated that in talking about an overlay, the Township needs to have a discussion about those institutions that are permitted by Special Exception and those that aren't. Mr. Wesley stated that institutions permitted by special exception don't need a variance, but they're also not permitted by right. Mr. Wesley stated that their use is allowed by special exception if they can prove that they meet reasonable conditions. Mr. Wesley stated that he would not be in favor of giving that up. Mr. Wesley stated that the capacity of the Zoning Hearing Board to add those additional requirements is essential because each institution is unique and embedded in the neighborhood. Mr. Wesley stated that in his estimation the residents would lose too much if the Special Exception process were no longer utilized. Mr. Wesley stated that he agrees with Mr. Duncan regarding the amount of money that is wasted in litigation but the amount of money that is spent in mediation is well spent. Mr. Wesley stated that the Baldwin School has a group that works with the institution in an ongoing effort to

address issues and it's been a productive experience in the past two years. Mr. Wesley stated that he would be hesitant to give up reasonable conditions and safe guards in the residential neighborhoods that may be imposed by the Zoning Hearing Board.

Mr. Duncan stated that regardless of what is done by way of zoning, one thing that has been very successful is the meetings that Mr. Wesley brought up with Baldwin and their neighbors. Mr. Duncan stated that he would suggest that in every case, regardless of what is done with zoning because it has resolved many of the problems between that institution and its neighbors.

Ms. Shell stated that she is pleased to hear Mr. Wesley's comments. Ms. Shell stated that it hadn't occurred to her that by dropping the special exception process that there would no longer be a mechanism by which to impose conditions. Ms. Shell stated that right now with the St. Josephs University land development application she saw a bifurcated process that she was concerned about because there wasn't one body that was able to look at both the zoning issues and land development issues comprehensively. Ms. Shell stated that there needs to be a public review process for these applications. Ms. Shell asked who would look at the capacity and number of events if institutional expansion is done by Conditional Use instead of Special Exception.

Mr. Duncan stated that it would have to be included in the regulations.

Mr. Leswing stated that a part of this plan is not to just focus on what has recently happened, but to look at those institutions that could flip and understand what could happen at areas such as St. Charles Borromeo.

Dr. Herman asked if St. Charles is institutionally zoned.

Mr. Leswing stated that it is residentially zoned and the institutions are permitted by Special Exception.

Ms. Simon stated that Main Line Health came in with a campus plan and showed what they wanted to do and how they wanted to do it. Ms. Simon stated that there is also a Conditional Use provision that was written into the Lankenau Hospital overlay because it was recognized that there would be times that the hospital would want to go outside of what they are permitted to do. Ms. Simon stated that it was thought that it would be better for them to go through the Conditional Use process, because it was shorter but it also allowed for a public process. Ms. Simon asked if Lankeanu is an example of an institutional overlay that works.

Mr. Leswing stated that one of the things that the plan will do is to identify those institutions, such as Lankenau, that no longer fit well and find specific solutions to address those institutions.

Joanne Brasberger, a representative of Baldwin, asked how detailed an overlay would be in terms of the issues such as parking and sound.

Mr. Duncan responded that it would have to be detailed or it would fail.

Mr. Leswing stated that successfully applied overlays or districts have more stringent regulations. Mr. Leswing stated that the other thing to take into consideration is the historic preservation component with many of these properties.

Commissioner Gordon stated that he doesn't understand why the existing framework isn't the better way to do this. Commissioner Gordon stated that the point is that people in Lower Merion Township love their neighborhoods. Commissioner Gordon stated that he grew up in Penn Valley and played in the General Wayne Park and one thing that he enjoys is that the park is the same as it was many years ago. Commissioner Gordon stated that Merion has some of the most beautiful homes because it has an undisturbed community fabric. Commissioner Gordon stated that the other point is that there is a myth that when institutions leave that it's always bad for the community. One example that is truly a loss is the loss of the precious art at the Barnes. However, another example is Episcopal Academy that exploded from a 38-acre campus to a 120-acre campus outside of town and it was a good thing for Episcopal and a good thing for St. Joseph's University. Commissioner Gordon stated that it can still work for the community and St. Joseph's University as long as the growth and change is slow and the negative externalities are dealt with. Commissioner Gordon stated that another example is Akiba Academy which was on a constrained site on Highland Avenue. The school grew and they were trying to fit more and more students on the lot that lead to a difficult fight with the neighbors and they finally left. Then the Kohelet Yeshiva High School, which is a much smaller school, came in and they no longer need to use the adjacent carriage house and it is a better fit for the community. Commissioner Gordon stated that it's not always the worst thing when institutions leave and they do sometimes grow beyond the boundaries of their sites.

Mr. Duncan stated that one thing that he has heard that there needs to be a predictable path regarding the capacity of the site so that the residents know what to expect and the institutions know to which point they are able to expand.

Rabbi Yona Gross, a representative of Beth Hamedrosh stated that he came from Phoenix where zoning dealt with whether or not horses were permitted. Rabbi Gross stated that it seems that there is not much of a distinction being made between those institutions that specifically benefit the surrounding residential neighborhood as opposed to those institutions with a regional draw.

Mr. Piltch stated that clearly a university is different from a synagogue and should be treated differently.

Mr. Duncan stated that there are differences, but a lot of times the small institutions face the same issues as larger institutions.

Ms. Simon stated that a fundamental question of the Comprehensive Plan will be how to mitigate impacts on residents versus the ability of institutions to grow. Ms. Simon stated that there is a

value to having strong institutions in the community, but when residents feel that they are set out of the process they get angry with the Township and the institutions. Ms. Simon stated that this is a residential community, after all.

Mr. Leswing stated that a part of this process involved public input and the purpose of the meetings tonight is to try to get it right, so that it works for everybody.

Ms. Simon stated that many of these institutions don't have people making sure that they are in compliance with the conditions of approval.

Mr. Leswing stated that institutional land development applications are the most time consuming, exhausting applications for the public, commissioners, and staff. Mr. Leswing stated that perhaps institutional expansions would be most successful where the Township mediates with institutions and neighbors. Mr. Leswing stated that maybe it would be possible to have the Civic Associations step in to help with the mediation process.

Commissioner Gelber stated that the idea of putting an overlay district over every institution scares her to death because in her eyes it is micromanaging the institutions without knowing how times will change. Commissioner Gelber stated that she thinks that the Township has to have a mechanism to ensure that all of the conditions of approval are complied with. Commissioner Gelber stated that she heard an example of where the stormwater management system an institution provided is working too well and the adjacent resident is upset because they no longer hear the babbling brook in their backyard. Commissioner Gelber asked how something like that can be planned for. Commissioner Gelber stated that she believes that people would like to keep these institutions in the neighborhoods and address issues before these institutions come for land dev

Carol Strickland, a member of the Wynnewood Civic Association stated that she is in agreement with Commissioners Gelber and Gordon. Ms. Strickland stated that if institutions of various sizes and types have different regulations she is concerned that the Township could be accused of spot zoning.

Mr. O'Leary stated that he would like to speak up for overlays because he has seen it work in other municipalities in the region. Mr. O'Leary stated that it is certainly a functional, common and often used approach.

Mr. Piltch stated that in 1988 the Merion Civic Association went over every property in Merion and made a recommendation to the Board of Commissioners that the zoning should reflect the size of the existing property. For example, a six-acre property zoned R3 should not be permitted and the Civic Association recommended that a large number of properties be rezoned as RAA. Mr. Piltch stated that he thinks that the Township should do that for all institutional properties in order to help properly protect those properties and the community character.

Mr. Duncan stated that a review of the zoning map will be undertaken as a part of the analysis for the Comprehensive Plan and one of the outcomes of this process will be to suggest changes to the zoning. Mr. Duncan stated that the findings of the Comprehensive Plan could result in some real changes.

A resident of Gladwyne stated that when residents have issues they come to the Board of Commissioners or attend these meetings and are enraged and spend lots of money fighting these institutions. The resident stated that many residents at home think that they are protected by the zoning regulations, but then the neighbors will find out that their property is being infringed upon by yet another institutional expansion. The resident stated that institutions are able to come forward with well polished plans, but the Township needs to keep residential interests in mind because they do not have the same funds and ability to protect themselves from these institutional expansion.

Dr. Herman stated that with the Barnes zoning issues in 1996 and 1998 the neighbors were unsure of how the Township would react, but they found out that their interests were congruent with the Township and shared the cost of the consultants. Dr. Herman stated that in other matters the litigation is continuing to go forward without the assistance of the Township and the Zoning Hearing Board didn't even defend their own opinion in the appellate courts recently. Dr. Herman asked if it would be possible to have some sort of fee go into an escrow fund such that when an institutions goes before the Zoning Hearing Board or the Planning Commission that there be a subsidy that would kick in to help particular neighborhoods from further institutional expansions.

Mr. Duncan responded that is an idea that can be looked into.

Mr. Ritterband asked if that would be defensible under the Pennsylvania Municipalities Planning Code ("MPC").

Mr. Duncan responded that he is not sure that it would fall under the MPC.

Dr. Herman stated that it is an idea to help protect the neighbors.

Mr. Leswing stated that this is hitting on one of the issues that hasn't been addressed, which is the relationship of institutions to municipal costs. Mr. Leswing stated that the Township is looking to direct growth to City Avenue which would help to grow the Township revenue. Mr. Leswing asked if alternatively it could be possible to generate revenue from a resource that is already here.

A resident asked if all St. Joseph's University employees pay the City Wage tax.

Mr. Robinson, a representative of St. Joseph's University, responded that it depends on where the employee works. Mr. Robinson stated that some employees do pay the City Wage Tax and some do not.

Dr. Herman asked if Mr. Leswing is suggesting that all of the institutions' employees live in the Township.

Mr. Leswing responded that he is not, but he is indicating that generating an earned income tax from some of the largest employers who comprise 13 percent of the land area would have an impact on the Township's revenue. Mr. Leswing stated that the next thing that he'd like to talk about pertains to large institutions, such as Palace Missions, and what happens when those institutions leave. Mr. Leswing asked hypothetically what would happen if Transferrable Development Rights ("TDR") were used to allow institutions to sell their development rights to permanently protect some of those resources.

Ms. Simon stated that a TDR requires a sending and a receiving zone. Ms. Simon asked if the development rights would be sent somewhere else in the Township or could they be sent outside of the Township's boundaries.

Mr. Leswing responded that the idea is to have something that is locally based and implemented through community consensus. Mr. Leswing stated that his suggestion isn't to increase density, but to preserve open space.

Ms. Moras asked if it would be possible for St. Joseph's University to get a TDR for the seven historic properties on the Maguire Campus in order to trade those historic buildings and get some expansion rights.

Mr. Leswing stated there are already expansion incentives on the books now. Mr. Leswing explained that if a property owner agrees to put a covenant on a designated historic resource they could get up to a 15 percent increase on impervious surface. Mr. Leswing stated that the resource is then tied up for the public good in perpetuity.

Ms. Moras asked how this TDR idea would work for St. Joseph's University.

Mr. Leswing responded that he is not sure how this would work at St. Joseph's University.

Ms. Smith asked how many homes could get developed on the Palace Missions property if it were sold. Ms. Smith asked what that development could look like.

Mr. Duncan responded that if a property owner could currently put 20 homes on the Palace Missions site and there is a six-acre property three blocks away, the TDR could make it possible to exchange those development rights so that the 20 homes could be built on the six-acre property in exchange for preserving the Palace Missions historic resources and property.

Dr. Herman asked if 1979 is the last time that the Township was rezoned.

Ms. Simon responded that it was not; however the last Comprehensive Plan was done in 1979.

Dr. Herman asked when Latches Lane was rezoned and upgraded to RA and RAA.

Mr. Duncan responded that rezoning is what Mr. Piltch was speaking of and it was initiated by the Merion Civic Association.

Dr. Herman asked if every institution could be rezoned “institutional” so that if they were sold off the minimum size would be 100,000 square feet.

Mr. Duncan stated that all the institutions could hypothetically be rezoned for a 100,000 square feet minimum lot size, but that has to be done in relation to something around it.

Ms. Simon asked how many properties are zoned “institutional” in the Township.

Mr. Duncan responded that none are. Mr. Duncan explained that institutions are permitted by special exception in residential zoning districts.

Mr. Wesley asked what the downsides are of a TDR.

Mr. Leswing responded that they result in increased density in the receiving zone.

Mr. Wesley asked if the trade-off is permanently preserved open space.

Mr. Duncan stated that is correct, but the neighbors who are on the receiving side would probably not be pleased.

Mr. Wesley stated that many of these properties that are being talked about could also currently be subdivided.

Mr. Leswing responded that is correct. Mr. Leswing stated that one of the things that have not been spoken of is the Open Space Preservation District which requires that residentially zoned properties over five-acres preserve half of the site when they are subdivided.

Ms. Simon stated that the TDR is allowed already by the MPC so it could be done in Lower Merion Township. Ms. Simon asked if it could be done in a way that combines conservation easements.

Mr. O’Leary stated that a conservation easement could be required for a TDR.

Ms. Smith asked what would happen on an institutions overlay where the institutions abut each other.

Mr. O’Leary stated that he has seen institutional overlay districts done as a map district or an overlay based on the size or type of institutions. Mr. O’Leary stated that the map may make sense in Lower Merion Township since there are so many institutions dispersed throughout the community.

Sharon Hirsch, the President of Rosemont College, stated that she came prepared to have to stand up for small institutions in the Township. Dr. Hirsch stated that Rosemont College is very

small and there are very different institutions throughout the Township. Dr. Hirsch stated that all institutions are under considerable pressures and face all the same regulations as the universities. Yet the smaller colleges and institutions have much less staff and resources to handle them. Dr. Hirsch stated that she would like everyone to please keep in mind that there are different types of institutions throughout the Township. Dr. Hirsch stated that Rosemont College is currently in a good place right now and they are offering degrees online, but there is a huge variation in the institutions. Dr. Hirsch asked that if changes are made that the small institutions be considered separately from the larger institutions. Dr. Hirsch asked that the Township not do something that will hamper the ability of the smaller institutions to exist. Dr. Hirsch stated that the smaller institutions are the ones that will suffer the most.

Mr. Leswing stated that this is a great way to end the discussion this evening. Mr. Leswing stated that this is clearly a complicated issue. Mr. Leswing stated that the next meeting on June 21<sup>st</sup> will focus on commercial land uses and that he hopes to see everyone there. Mr. Leswing drew the meeting to a close at approximately 9:00 p.m.

**Questions/comments provided on the comment cards:**

- *With regard to the institutional overlay concept, are you envisioning one institutional overlay for the entire Township or multiple overlays covering (specific) existing institutional property?*

Staff believes that both options may be possible and in our analysis we would evaluate both options to see which may fit the Township better. The use of targeted geographical overlay districts may be explored for areas, such as Bryn Mawr, where institutions are naturally clustered. Currently, the Township has overlays which do cover the entire Township such as the Open Space Preservation District, and also overlays which only cover a particular area, such as Rock Hill Road Overlay and the Mixed-Use Special Transportation District.

- *If multiple overlays, would there be no effect on future, new, “by-right” institutional development in residential areas not covered by a then existing overlay?*

Any changes would have to take into account the potential for future institutions to move into residentially zoned properties that are not currently used by an institutional use. The overlay for the entire Township could address this situation, but the multiple site specific overlays would have to specifically address future institutional uses if they are not within the area.

Meeting notes recorded by Carissa Koll-Hazelton, Planning Technician